

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY RALPH ABRARIA,  
Petitioner,  
v.  
WARDEN, et al.,  
Respondent.

No. 2: 21-cv-1161 TLN KJN P

ORDER

Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. For the reasons stated herein, petitioner is ordered to file a third amended petition containing all of his exhausted claims.

On March 9, 2022, the undersigned recommended that petitioner's motion to stay this action in order to exhaust additional claims be granted. (ECF No. 18.) In support of the motion to stay, petitioner filed a second amended petition raising his exhausted claims only. (ECF No. 17.) On March 25, 2022, the Honorable Troy L. Nunley adopted the March 9, 2022 findings and recommendations and ordered this action stayed. (ECF No. 20.)

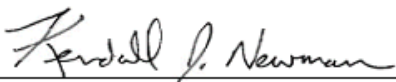
On March 23, 2022, petitioner filed a motion to lift the stay. (ECF No. 19.) In this pleading, petitioner claimed that all claims were now exhausted. (Id.) Accordingly, on April 7, 2022, Judge Nunley vacated the March 25, 2022 order staying this action. (ECF No. 21.) Judge Nunley remanded this action back to the undersigned for further proceedings. (Id.)

1 Petitioner is herein directed to file a third amended petition raising all the exhausted  
2 claims he intends to raise in this action.<sup>1</sup>

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Within thirty days of the date of this order, petitioner shall file a third amended  
5 petition raising all the exhausted claims he intends to raise in this action;  
6 2. The Clerk of the Court is directed to send petitioner a form for a habeas corpus  
7 petition.

8 Dated: April 13, 2022

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>1</sup> The second amended petition filed March 7, 2022 did not raise the unexhausted claims pending  
in state court.